Supreme Court, U.S.
FILED

09-902 JAN 20 2010

OFFICE OF THE CLERK
William K. Suter, Clerk

No. _____

In the Supreme Court of the United States

Robert Grimm

Petitioner

v.

Beverly Grimm
nka Beverly Lampp

Respondent

On Petition for a Writ of Certiorari
to the Supreme Court of Ohio

PETITION FOR A WRIT OF CERTIORARI

Robert Grimm
510 Locklie
Highland Heights, Ohio 44143
440-473-6006
bob@grimm.com

QUESTIONS PRESENTED

Whether a resident of one state is required to obey a valid court order from another state, in which he was divorced.

Whether the Courts of one state are required to enforce the valid court orders of another state's Courts.

Whether the full faith and credit provision guaranteed by the Constitution, Article IV, permits the courts of one state, to render a foreign judgment, in 2007, based on a 2003 judgment from another state's court, which had been modified in 2006 and 2007 by the originating court; resulting in two conflicting orders from two different states, both of which cannot be complied with legally.

LIST of PARTIES

All parties appear in the caption of the case on the cover page.

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BASIS for JURISDICTION

On November 18, 2009 the Ohio Supreme Court denied certification of the Cuyahoga County Court of Appeals decision dated June 11, 2009, and journalized on July 20, 2009. This Court has jurisdiction under the U.S. Constitution and Section 1738 of U.S.C. 28.

OPINIONS BELOW

The jurisdictional opinion of the Ohio Supreme Court not accepting case 2009-1395 for review on November 18, 2009, is reported at http://www.sconet.state.oh.us/tempx/181495.pdf and included in Appendix as Exhibit D.
The opinion of the Cuyahoga County Court of Appeals in case No. 91437 released on June 11, 2009 and journalized on July 20, 2009, is reported at http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2009/2009-ohio-2714.pdf and included in Appendix as Exhibit A.
The denial of the Cuyahoga County Common Pleas Court in case CV-07-612445 released on May 5, 2009, is included in Appendix as Exhibit B.
The Cuyahoga County Common Pleas Court Judgment Lien, JL-07-284644, filed on February 12, 2007, is included in Appendix as Exhibit C.
The June 19, 2006 Connecticut Superior Court Order, modifying its January 16, 2003 decision, is included in Appendix as Exhibit E.
The November 30, 2007 Connecticut Superior Court Order, modifying its June 19, 2006 order, is included in Appendix as Exhibit F.

CONSTITUTION and STATUTES and AUTHORITIES

U.S. Constitution Article IV Section 1 = Each State to Honor All Others

> Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 1738 of Title 28 of the U.S.C. (1948)

> The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto. The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form. Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken.

Connecticut Practice Book Sec. 17-10. Modifying Judgment after Appeal

> If a judgment fixing a set time for the performance of an act is affirmed on appeal by the supreme court and such time has elapsed pending the appeal, the judicial authority which rendered the judgment appealed from may, on motion and after due notice, **modify** it by extending the time.

STATEMENT of the CASE

proceedings in the courts below

On January 16, 2003, the Danbury Connecticut Superior Court issued its memorandum of decision in the divorce case FA01-0341257-S. That decision stated that $100,000 alimony was to be paid within 60 days and $100,000 counsel fees were to be paid within 90 days. The decision was appealed and the Appellate Court found error. That decision was appealed and the Supreme Court found error in the appellate decision. On June 19, 2006, under Practice Book Section 17-10 = **Modifying Judgment after Appeal,** the Superior Court modified the dates on which payments were to be made by the Petitioner to the Respondent. This modification stated that the $200,000 was to be paid by July 1, 2006. *Exhibit E.*
On January 10, 2007, the Respondent filed a Foreign Judgment Case, CV-07-612445, in the Court of Common Pleas in Cuyahoga County, Ohio. That filing contained a copy of the January 16, 2003 Connecticut Judgment, however did not contain any mention of the June 19, 2006 Connecticut modifying order. On February 5, 2007, the Ohio court ordered that the January 16, 2003 Connecticut court Order be treated in the same manner as a judgment of the

Ohio court. On February 12, 2007, a journal entry, JL-07-284644, was made, based on papers submitted by the Respondent, stating that interest was at the Ohio statutory rate beginning on January 16, 2003. *Exhibit C.*

On November 30, 2007, upon Respondent's Motion, the Connecticut Court ordered that payment of the $200,000 be made by December 31, 2007 and that interest on the total was to be at 10% per annum commencing January 2, 2008. *Exhibit F.*

The Petitioner attempted to get the Common Pleas court to modify its journal entry to no avail. The Ohio Appellate Court affirmed the lower court on July 20, 2009. *Exhibit A.* The Ohio Supreme Court declined jurisdiction on November 18, 2009, stating that there was no substantial constitutional question. *Exhibit D.*

The federal question was raised in the Petitioner's Brief to the Appellate Court:

> "The Ohio courts should give full faith and credit to this court order as required by the Constitution. The Ohio courts are not giving full faith and credit to the Connecticut court order.
>
> The U.S. Supreme Court has stated "the obligation of full faith and credit requires that such litigation should end in the courts of the state in which the judgment was rendered.' *Sherrer v Sherrer (1948).* Ohio should modify its foreign judgment to agree with the Connecticut court's judgment and court orders." *Milliken v Meyer (1940)* [p8]

And again in the reply brief:

> *"The U.S. Constitution and the U.S. Supreme Court has said that Ohio should agree with*

> *Connecticut's orders.* The obligation of full faith and credit requires that such litigation should end in the courts of the state in which the judgment was rendered." *Sherrer v Sherrer (1948).* [p4]
> "The Common Pleas Court Properly Applied the Federal Constitution's Full Faith and Credit Clause" [p6]

The federal question was again raised in the Petitioner's Memorandum in support of Jurisdiction to the Ohio Supreme Court:

> "this case involves a substantial U.S. constitutional question. The decision offends not only Article IV Section 1: Full faith and credit to records and judicial proceedings of states, but also Section 1738 of title 28 of the U.S.C. (1948)." [p2, 4, 5]

statement of facts

The facts in this case are simple and conflicting. Two conflicting court orders exist from two different states.
The November 30, 2007 Connecticut Court has ordered that interest be at the rate of 10% and commence January 2, 2008. *Exhibit F* The February 12, 2007 Ohio Court has ordered that interest be at the statutory rate [10% (2003), 4% (2004), 5% (2005), 6% (2006), 8% (2007), 8% (2008), and 5% (2009)] and commence January 16, 2003. *Exhibit C*

ARGUMENT

This Writ should be granted to resolve the two conflicting court orders from two different states. The Petitioner cannot comply with both.

Ohio courts have refused to give full faith and credit to the Connecticut court's **modifying** actions both before and after the Ohio court rendered a judgment lien.

In *Sherrer v Sherrer (1948),* this Court ruled that 'the obligation of full faith and credit requires that such litigation should end in the courts of the state in which the judgment was rendered.' Ohio Courts have ignored this court's decision. Ohio Courts have ignored justice and common sense; rather focusing on procedures and Ohio formalities.

The answers to the first two questions presented by the Petitioner are obvious to all. Two Yes answers, without question. Looking at the third question presented, at first glance, one would say that this case only involves two people and $92,000 of interest, and is not one the highest court in our country should be required to address. I agree.

However Ohio courts have ignored justice and the law, and made it so much more. The issue presented is that the Ohio court procedures do not respect the full faith and credit provision between sister states. The Respondent's attorney filed an outdated judgment in an attempt to get more interest from the courts of another state. A second bite at the apple.

The Court of Appeals of Ohio Opinion No. 91437 states that Grimm has already appealed this exact decision. *[Exhibit A]* This is false. Case No. 90269, filed on August 9, 2007, dealt with the June19, 2006 modifying Connecticut Court Order. *[Exhibit E]* Case No. 91437, filed on May 15, 2008, dealt with the November 30, 2007 modifying Connecticut Court Order. *[Exhibit F]*

The Court of Appeals also states that the Petitioner had 'no meritorious claim if relief was granted and presented no grounds for relief'. The claim is obvious: that Ohio has not given full faith and credit to the Connecticut modifications. The relief sought was

simple: modify the Ohio order to conform to the Connecticut order. It is obvious that if the Petitioner had remained in Connecticut and not moved back to Ohio, both parties would have followed the Connecticut orders. There would have been no Ohio court actions, including this Petition. Justice has been seriously violated because the Petitioner moved to another state in the supposedly united United States of America.

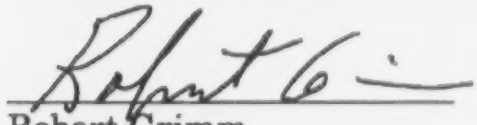
Had the Respondent's attorney filed the Connecticut Courts modification in Ohio, there would not have been any actions by the Petitioner. Proper filings by the Respondent's attorney would have eliminated hours, days, weeks, months, and years of litigation.

The Ohio court rendered the judgment lien before the petitioner was informed of the action in Ohio. If the states truly acted as sisters and followed the full faith and credit provision, Ohio would have picked up the telephone and called Connecticut and asked what the final order of Connecticut was, and had the 2003 judgment been modified on June 19, 2006, prior to the Ohio filing and on November 30, 2007, after the Ohio filing.

In the context of this case, the Framers of the Constitution, did not have telephones, or today's technology to allow the states to communicate with each other easily. The Framers did intend that the orders made in the originating state of Connecticut be enforced by and not modified by Ohio. This case presents a ready vehicle for this Court to provide justice and correct the flawed procedures of Ohio, and other states.

CONCLUSION

This court should grant this petition for a writ of certiorari under Rule 10 (b) and (c) to resolve the conflicting orders from the two states.



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APPENDIX

[Cite as *Lampp v. Grimm*, 2009-Ohio-2714.]

Court of Appeals of Ohio
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91437

BEVERLY GRIMM, NKA BEVERLY LAMPP
PLAINTIFF-APPELLEE
vs.
ROBERT L. GRIMM
DEFENDANT-APPELLANT

JUDGMENT: AFFIRMED

Civil Appeal from the Cuyahoga County Common Pleas Court Case No. CV-612445

BEFORE: Boyle, J., Rocco, P.J., and Sweeney, J.
RELEASED: June 11, 2009
JOURNALIZED: July 20, 2009

FOR APPELLANT
Robert L. Grimm, Pro Se
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Highland Heights, Ohio 44143

ATTORNEY FOR APPELLEE
Thomas M. Horwitz
McIntyre, Kahn, Kruse & Gillombardo
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Cleveland, Ohio 44114

APPENDIX A

N.B. This entry is an announcement of the court's decision. See App.R. 22(B) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(C) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(C). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

MARY J. BOYLE, J.:

{¶ 1} Defendant-appellant, Robert Grimm, appeals the trial court's denial of his motion for relief from judgment under Civ.R. 60(B). Grimm argues that the trial court abused its discretion in failing to modify its earlier order entering a judgment lien against him with interest accruing from January 16, 2003, in favor of plaintiffappellee, Beverly Grimm, nka Beverly Lampp. He disputes the date that the interest should be accrued from. Grimm, however, has already appealed this exact issue and lost. See *Grimm v. Grimm*, 8th Dist. No. 90269, 2008-Ohio-324, discretionary appeal not allowed, 2008-Ohio-3369 ("*Grimm I*"). As discussed below, Grimm's second attempt to attack the trial court's decision also fails because he has no meritorious claim if relief was granted and presents no grounds for relief. We affirm.

Procedural Facts and History

{¶ 2} In *Grimm I*, we discussed the detailed history and underlying facts of this case as follows:

{¶ 3} "On January 16, 2003, the Connecticut Superior Court for the Judicial District of Danbury entered its judgment terminating the marriage between Lampp

and Grimm. The judgment ordered Grimm to pay Lampp $100,000 in lump sum alimony within 90 days of the date of the judgment and $100,000 attorney's fees within 60 days of the date of the judgment. The judgment also ordered Lampp to convey to Grimm her 'right, title and interest' in a parcel of real property located in Highland Heights, Ohio.

{¶ 4} "In 2005, the Connecticut Supreme Court affirmed the trial court's 2003 judgment. Despite the court's order, Grimm has not paid Lampp the $200,000. In addition, for reasons known only to him, he has thwarted her attempts to quitclaim her interest in the Highland Heights property to him.

{¶ 5} "On January 10, 2007, Lampp filed the Connecticut trial court's 2003 judgment with the Cuyahoga County Court of Common Pleas pursuant to R.C. 2329.022, Ohio's foreign judgment enforcement provision.1 Subsequently, on February 12, 2007, the trial court entered a judgment lien against Grimm, with interest to run at the statutory rate from January 16, 2003, the date of the judgment.

{¶ 6} "Grimm filed a motion to dismiss, which the court denied for lack of service. Grimm then filed another motion to dismiss and a motion for modification. In both motions, Grimm asserted that, on June 19, 2006, the Danbury Connecticut Superior Court had issued an order which ordered him to pay Lampp lump sum alimony in the amount of $100,000 and $100,000 in attorney's fees by July 1, 2006, and ordered Lampp to convey her interest in the Highland Heights property to Grimm by July 1, 2006. 1R.C. 2329.022 states: "A copy of any foreign judgment authenticated in accordance with Section 1738 of Title 28 of the United States Code, 62 Stat. 947 (1948), may be filed with the clerk of any court of

common pleas. The clerk shall treat the foreign judgment in the same manner as a judgment of a court of common pleas. A foreign judgment filed pursuant to this section has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a judgment of a court of common pleas and may be enforced or satisfied in the same manner as a judgment of a court of common pleas."

Grimm argued that this order modified the Superior Court's January 16, 2003 order, extending the time for payment of alimony and attorney's fees until July 1, 2006 and, therefore, the trial court should either dismiss the case or modify its order imposing statutory interest from January 16, 2003. Grimm also argued that counsel for Lampp knew about the June 19, 2006 order prior to filing the foreign judgment in the common pleas court, but withheld that information from the trial court. Grimm attached a certified copy of the order to his motion for modification." Id. at ¶2-5.

{¶ 7} The trial court denied Grimm's motion to dismiss and motion to modify the judgment lien. On appeal, Grimm argued that the June 19, 2006 order modified the January 16, 2003 judgment entry, allowing Grimm until July 1, 2006 to pay Lampp alimony and her attorney's fees, and, therefore, the trial court erred in entering a judgment lien with interest from January 13, 2003. Id. at ¶7. We rejected this argument and found that the January 2003 judgment, which was affirmed by the Connecticut Supreme Court, was a valid, binding judgment. Id. at ¶13. We further noted that there was nothing in the order that indicated that interest on the January 2003 judgment was not accruing as of the date of the judgment. Id.

{¶ 8} While Grimm's first appeal was pending before this court, Lampp contemporaneously pursued contempt charges against Grimm in the Connecticut court. On November 30, 2007, the Connecticut court issued an order entitled "Plaintiff's Post-Judgment Motion for Contempt, coded 277," wherein it ordered Grimm to pay Lampp $200,000 by December 31, 2007, "[i]nterest on the total of $200,000 is to run at the rate of 10 percent per annum commencing January 2, 2008." The Connecticut court further ordered Grimm to pay $1,000 in attorney fees.

{¶ 9} On March 6, 2008, Grimm filed a motion for relief from judgment and attached an exemplified copy of the November 30, 2007 order of the Connecticut court, alleging that the November 2007 order modified both the 2003 and 2006 Connecticut judgments and therefore required the trial court to modify its judgment lien. The trial court denied Grimm's motion. It is from this order that Grimm appeals, raising the following two assignments of error:

{¶ 10} "[1.] The trial court erred in denying the defendant's motion for relief of judgment.

{¶ 11} "[2.] The trial court erred in not considering the November 30, 2007 originating Connecticut Superior Court modifying court order which conflicts with the foreign judgment order from the Ohio common pleas court."

{¶ 12} Because they are related, we will address the two assignments of error together.

Civ.R. 60(B) Motion for Relief from Judgment

{¶ 13} The trial court has discretion in deciding a motion for relief from judgment under Civ.R. 60(B); therefore, its decision will not be disturbed on appeal absent an abuse of discretion. *Griffey v. Rajan* (1987), 33 Ohio St.3d 75.

An abuse of discretion is more than an error in judgment or a mistake of law; it connotes that the court's attitude is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore* (1983), 5 Ohio St.3d 217, 219.

{¶ 14} To prevail on a motion for relief from judgment under Civ.R. 60(B), the movant must demonstrate: (1) the party has a meritorious defense or claim to present if relief is granted; (2) the party is entitled to relief under one of the grounds stated in Civ.R. 60(B)(1) through (5); and (3) the motion is made within a reasonable time, and, where the grounds for relief are Civ.R. 60(B)(1), (2), or (3), not more than one year after the judgment, order or proceeding was entered or taken. *GTE Automatic Electric, Inc., v. ARC Industries, Inc.* (1976), 47 Ohio St.2d 146, paragraph two of the syllabus. If a movant fails to satisfy any one of these requirements, the trial court should deny a Civ.R. 60(B) motion. *Rose Chevrolet, Inc. v. Adams* (1988), 36 Ohio St.3d 17, 20; *Svoboda v. Brunswick* (1983), 6 Ohio St.3d 348, 351.

{¶ 15} Here, Grimm fails to satisfy the first and second prong of the *GTE* test. The crux of Grimm's entire argument is that the November 2007 Connecticut order conflicts with the Ohio judgment lien, which included the court's order of interest accruing from January 16, 2003. Based on this conflict, he contends that the lower court's order here must be vacated or modified to reflect that interest should not run until January 2, 2008. Contrary to Grimm's assertion, he has no meritorious claim or defense if relief was granted. Applying R.C. 1343.03(B), this court has already held in *Grimm I* that the interest on the 2003 judgment began to accrue on January 16, 2003. Id. at ¶16. This holding is binding on Grimm and the trial court is without authority to enforce any order contrary to this Ohio

judgment. See *Stauber v. Stauber*, 5th Dist. No. 2006-CA- 71, 2007-Ohio-6296, ¶39 (recognizing that a subsequent California order cannot overrule a prior valid Ohio judgment).

{¶ 16} Grimm likewise fails the second prong of the *GTE* test. Grimm sought relief from judgment under Civ.R. 60(B)(2), (4), and (5), which allow a court to relieve a party from final judgment for any of the following reasons: "(2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(B); *** (4) the judgment has been satisfied, released or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (5) any other reason justifying relief from the judgment."

{¶ 17} Although Grimm broadly identified each of these provisions in his motion, he failed to set forth operative facts that would provide relief under any one of these grounds. Although Grimm characterizes the November 2007 order of the Connecticut court as a "modification" of the correct date for the statutory interest to run, the order itself contains no language indicating that it was modifying previous orders. Conversely, the subject matter of the order is captioned: "Plaintiff's Post-Judgment Motion for Contempt, coded 277." Indeed, the order was issued in response to Lampp's motion to hold Grimm in contempt. Moreover, as discussed above, we fail to see how a Connecticut court could now modify a final judgment of this court.

{¶ 18} Suffice it to say, this appeal further evidences Grimm's commitment to prolong litigation with his former wife and prevent her from collecting on the

judgment entered against him in connection with the parties' divorce proceedings in Connecticut. It is simply time for the litigation to be over.

{¶ 19} Accordingly, we find that the trial court did not abuse its discretion in denying Grimm's motion for relief from judgment. The first and second assignments of error are overruled.

Judgment affirmed.

The court finds this appeal is not well taken. It is, therefore, ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MARY J. BOYLE, JUDGE
KENNETH A. ROCCO, P.J., and
JAMES J. SWEENEY, J., CONCUR

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

Beverly Grimm
Plaintiff

V

Robert Grimm
Defendant

Case No: CV-07-612445
JOURNAL ENTRY

DEFENDANT'S MOTION FOR RELIEF FROM JUDGMENT FILED ON 3/6/08 IS DENIED.

/s/ Peter J. Corrigan
Judge Signature 05/09/2008

APPENDIX B

GERALD E. FUERST
CLERK OF COURTS
COMMON PLEAS COURT
CUYAHOGA COUNTY, OHIO

BEVERLY GRIMM (NKA BEVERLY LAMPP)
V
ROBERT L. GRIMM

Case: JL07284644
Filed: 02/12/2007
Certificate of Judgment
Revised Code Sec. 2329

I, GERALD E. FUERST, Clerk of the Common Pleas Court of Cuyahoga County, Ohio, do hereby certify that on the 16th day of January 2003, a judgment was by said Court rendered in favor of BEVERLY GRIMM NKA BEVERLY LAMPP and against ROBERT L GRIMM for the sum of $200,000.00 and interest at 0% from the 16th day of January, 2003, and $0.00 costs of suit, in a certain action then pending in said Court, Cv07612445, on the docket thereof, wherein BEVERLY GRIMM (NKA BEVERLY LAMPP) plaintiff, and ROBERT L GRIMM defendant, which said judgment appears more fully and at large in Book 3766 page 279-282, of said Court.

***JUDGMENT AS FOLLOWS:
WITH INTEREST AT STATUTORY RATE FROM 01/16/2003

APPENDIX C

FILED
February 12, 2007 2:20PM
GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

WITNESS my hand and seal of said Court this 12th day of February, 2007.

/s/Irene Bell
Deputy

Attorney: THOMAS M HORWITZ

The Supreme Court of Ohio

Beverly Grimm, n.k.a. Beverly Lampp
v.
Robert L. Grimm
Case No. 2009-1395

Upon consideration of the jurisdictional memoranda filed in this case, the Court declines jurisdiction to hear the case and dismisses the appeal as not involving any substantial constitutional question.

(Cuyahoga County Court of Appeals; No. 91437)

/s/ THOMAS J. MOYER
Chief Justice

Filed Nov 18, 2009

APPENDIX D

SUPERIOR COURT
JD OF DANBURY
AT DANBURY

FA-01-0341257S

BEVERLY L. GRIMM
v.
ROBERT L. GRIMM

JUNE 19, 2006

ORDER

Upon hearing with all necessary parties and/or counsel present on June 19, 2006, it is hereby ordered:

1. The Defendant shall pay to the Plaintiff lump sum alimony in the amount of $100,000.00 by July 1, 2006.
2. The Defendant shall pay to the Plaintiff the sum of $100,000.00 as a contribution to counsel fees by July 1, 2006.
3. The Plaintiff shall convey to the Defendant all of her right, title and interest in and to the real property located at 510 Locklie Drive, Highland Heights, Ohio, subject to existing mortgages by July 1, 2006.

BY THE COURT
/s/ Leheny
Judge

APPENDIX E

SUPERIOR COURT
JUDICIAL DISTRICT OF DANBURY

NO. FA01-0341257S

BEVERLY L. GRIMM
V.
ROBERT L. GRIMM

ORDER
RE: PLAINTIFF's POST JUDGMENT MOTION
FOR CONTEMPT CODED 277

The court orders that the defendant pay to the plaintiff the $100,000 in alimony and $100,000 in counsel fees by December 31, 2007. Interest on the total of $200,000 is to run at the rate of 10 per cent per annum commencing January 2, 2008. The court awards additional counsel fees of $1,000 to be paid by the defendant by December 31, 2007. Interest on the $1,000 is to run at the rate of 10 percent per annum commencing January 2, 2008. The request for a capias is denied. The orders entered herein are effective upon notice to the defendant and return of notice to the clerk's office with the notice to be the same notice as ordered given to the defendant on the hearings fro contempt.

/s/ Sidney Axelrod, Judge Trial Referee